



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

JUL 23 2015

Christopher Fletcher, Vice President
Protavic America, Inc.
9 Ricker Avenue
Londonderry, NH 03053

Re: Clean Air Act Reporting Requirement

Dear Mr. Fletcher:

The United States Environmental Protection Agency ("EPA"), Region 1, is evaluating whether Protavic America, Inc. ("Protavic"), located at 9 Ricker Avenue in Londonderry, New Hampshire, is in compliance with applicable state and federal requirements under the Clean Air Act ("CAA", or the "Act"). These CAA requirements include the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources found at 40 CFR Part 63, Subpart VVVVVV. Specifically, EPA is evaluating emissions of volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs") from Protavic's operation in Londonderry.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Act and its implementing regulations.

Protavic is required to provide all of the information outlined below for its operation in Londonderry within 60 days of the date Protavic receives this letter. Provide a separate response to each numbered paragraph or subparagraph below. Where possible, provide responses in an electronic spreadsheet format (preferably Microsoft Excel).

1. Indicate if Protavic uses as a feedstock any material containing quinolone, manganese and/or trivalent chromium at an individual concentration greater than 1.0% by weight, or any other

Table 1 HAP specified in Subpart VVVVVV as an individual concentration greater than 0.1% by weight¹. If so, indicate:

- a. The names of raw materials which fit these criteria;
 - b. The products which are produced using such feedstock; and
 - c. The total quantity, in pounds, of each such raw material used in the period January 1, 2015 through June 30, 2015.
2. Protavic has stated that: "Protavic America, Inc. is committed to not using any metal HAPs in a powder form in our production and we are working to eliminate any paste forms in the future²." Explain the steps Protavic has taken to eliminate the use of metal HAPs in paste form in product formulation, and specify either the date on which the company discontinued use of these HAPs or the intended phase out date for such HAPs.
 3. Provide facility wide actual VOC and HAP emissions for the period January 1, 2015 through June 30, 2015. Consider emissions from raw material handling, product formulation, transfer of products into containers for distribution, and cleaning of both raw material containers and the facility, as well as any other emissions that may be associated with Protavic's operations.
 4. Provide the potential HAP emissions associated with a "worst case" product (i.e. the product that is formulated with the greatest amount of HAPs and has the greatest potential for release of these HAPs). Do not consider in these calculations products that are received on site in containers with good integrity and are shipped off site in the same containers, having never been opened while at the facility³.
 5. Describe any physical, operational, or regulatory factors that may limit Protavic's emissions of VOCs and HAPs. Identify any inherent operational limitations including, but not limited to, throughput capacity at each stage of the process. Provide documentation to support and quantify any limitations.
 6. Provide copies of all correspondence Protavic has had with state and/or federal environmental agencies regarding emissions of air pollution at its facility, including, but not limited to, copies of:
 - a. All email or written correspondence with New Hampshire Department of Environmental Services;
 - b. All permit applications;
 - c. All permits issued; and
 - d. Any requests for permit modifications.

¹ Note that any Table 1 metallic HAP, whether in powder or paste form, must be included in the response.

² See letter from Protavic to Tim Conway of EPA Region I, dated March 31, 2015.

³ The following document may serve as a resource in calculation of potential to emit HAPs from batch processing operations: August 29, 1996 Memorandum from John S. Seitz, Director of the Office of Air Quality Planning and Standards, entitled "*Clarification of Methodology for Calculating Potential to Emit for Batch Chemical Production Operations*." See <http://www.epa.gov/region07/air/title5/t5memos/socma820.pdf>.

Provide the above-required information to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, OES04-2
Boston, MA 02109-3912
Attn: Joan M. Jouzaitis, Air Technical Unit (Mail Code OES04-2)

Be aware that if Protavic does not provide the information required in this Reporting Requirement in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this letter, please contact Joan M. Jouzaitis, Environmental Engineer, at (617) 918-1846, or your attorney can call Timothy M. Conway, Senior Enforcement Counsel at (617) 918-1705.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

cc: Pam Monroe, NH DES